UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 29

MV PUBLIC TRANSPORTATION, INC.

and

Case Nos.

29-CA-29530

29-CA-29760

JOHN D. RUSSELL, AN INDIVIDUAL

and

Case No.:

29-CA-29544

LOCAL 1181-1061, AMALGAMATED TRANSIT UNION, AFL-CIO

and

ERIC BAUMWOLL, AN INDIVIDUAL

Case No.:

29-CA-29619

and

LOCAL 707, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, Party to the Contract

LOCAL 707 INTERNATIONAL BROTHERHOOD OF TEAMSTERS

and

Case No. 29-CB-13981

JOHN D. RUSSELL, AN INDIVIDUAL

GENERAL COUNSEL'S STATEMENT OF LIMITED EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, the General Counsel, by its Counsel Nancy Lipin, hereby takes limited exception to the Decision and Recommended Order of Administrative Law Judge Michael A. Rosas in the above-referenced matters,

which issued on June 7, 2010. General Counsel contends that the Judge erred specifically as set forth more fully below.

- 1. The ALJ erred by inadvertently referring to "Local 1181" in the following phrase in paragraph 7 of the Conclusions of Law: "...directing an employee to retrieve her signed authorization card from Local 1181." (ALJD at 22). The correct union at issue in this finding is "Local 726." (ALJD at 20).
- 2. The ALJ erred by inadvertently omitting the following violations from the Order and Notice to Employees, which violations the ALJ found were committed by Respondent MV Public Transportation, Inc. (Respondent MV) (ALJD at 22, paragraph 7): a. directing an employee to retrieve her signed authorization card from Local 1181 (Local 726 -- supra at paragraph 1), confiscating it and ripping it up, and b. prohibiting employees from speaking about Local 1181.
- 3. The ALJ erred by inadvertently excluding reference in the Remedy section to a remedy for the violations he found were committed by Respondent Local 707, International Brotherhood of Teamsters (Local 707). (ALJD at 22).
- 4. The ALJ erred by failing to make Conclusions of Law with regard to the violations he found were committed by Respondent Local 707.
- 5. The ALJ erred in the ALJD and the Errata by referring to the date on which Respondents executed a collective bargaining agreement as September 12, 2008. (ALJD at 21, Conclusions of Law, paragraph 5; ALJD at 22, Remedy; Errata at 2, "Order," paragraphs B, 1.(b) and 2.(a); Errata at 3, "Notice to Members," paragraphs 2 and 4). The correct date is December 12, 2008. (See ALJD at 11).
- 6. The ALJ erred in his Errata by inadvertently referring to page and line numbers which do not correspond to the ALJD. (Errata at 1-3).

Respectfully submitted,

Nancy B. Lipin

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Region 29

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Dated at Brooklyn, New York July 20, 2010